

## **REMARKS/ARGUMENTS:**

Claims remain 1-41 remain in the application. Claims 1-41 have been rejected. Claims 1, 15, 16, 20-22, 26-28 and 41 have been amended. Applicant believes the claim amendments do not add new matter.

### ***Claim Objections***

Claim 15 has been amended and the rejection is believed overcome thereby.

### ***Rejections under Obviousness-type Double Patenting***

Applicant will file a terminal disclaimer in the event that Examiner upholds the non-obviousness-type double patenting for the claims as amended and indicates that the claims as amended are allowable.

### ***Rejections under 35 USC 112***

Claims 20-22 have been amended and the rejections are believed overcome thereby.

### ***Rejections under 35 USC 102***

Claims 1, 5-8, 12, 14-15, 26, 37 and 39-41 are rejected under 35 USC 102(b) as being anticipated by Sarbin, et al. (USPN 5, 179, 517). The rejection is respectively traversed.

Claims as amended describe, as recited in claim 1 for instance, “a promotional device for effecting operation of a specific gaming application on a gaming machine, when the specific gaming application is available for play on the gaming machine, that is in communication with the promotional device, the promotional device having associated therewith 1) indicia of credit applicable only to the specific gaming application, 2) a specific player to which operation of the specific gaming application and application of the indicia of credit is limited and 3) information used to identify the specific gaming application.”

Sarbin doesn't describe a promotional device with the limitations described above. In Sarbin, the credits are applied to any game that is available on the device. Sarbin doesn't even keep track of the type of game that is played only a number of games that are played. For example, in Col. 8 in relation to subfield 132 of Fig. 6, it describe that the number of games played for card type gaming machines or handle pulls for slot type gaming machines are stored in subfield 132. Information regarding the type of game is not stored. Further, no mention in Sarbin is made in regards to at least an indicia of credit applicable only to the specific gaming application, a promotional device for effecting operation of a specific gaming application on a gaming machine, when the specific gaming application is available for play on the gaming machine or information used to identify the specific gaming application. Therefore, for at least

these reasons, Sarbin can't be said to anticipate the pending claims and the rejection is believed overcome thereby.

*Rejections under 35 USC 103*

Claims 16-25 and 27-36 are rejected under 35 USC as being unpatentable over Sarbin in view of Saunders.

Claims 2-4 and 9-11 are rejected under 35 USC as being unpatentable over Sarbin in view of Luciano.

Claims 13 and 38 are rejected under 35 USC as being unpatentable over Sarbin in view of Mish.

Claim 41 is rejected under 35 USC as being unpatentable over Sarbin in view of Bergeron.

None of teachings recited in Luciano, Saunders, Mish or Bergeron cited by the Examiner overcome the deficiencies in Sarbin described above. In particular, the references alone or in combination don't teach or suggest a gaming machine that accepts a promotional device or a method of using a promotional device where the promotional device effects operation of a specific gaming application on a gaming machine, when the specific gaming application is available for play on the gaming machine, that is in communication with the promotional device, the promotional device having associated therewith 1) indicia of credit applicable only to the specific gaming application, 2) a specific player to which operation of the specific gaming application and application of the indicia of credit is limited and 3) information used to identify the specific gaming application. Therefore, for at least these reasons, Sarbin alone or in combination with Luciano, Saunders, Mish or Bergeron can't be said to render obvious the pending claims and the rejection is believed overcome thereby.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,  
BEYER WEAVER LLP

/David P. Olynick/  
David P. Olynick  
Reg. No.: 48,615

P.O. Box 70250  
Oakland, CA 94612-0250  
(510) 663-1100